



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Attorney's Docket: 4001-0001C

Prior Application:

Art Unit: 1636

Examiner: Terry McKelvey

SIR: This is a request for filing a

[X] Continuation [] Divisional Application under 37 C.F.R. § 1.53 (b)(1) of pending prior application Serial No. 09/308,164 filed May 14, 1999 of Nagasawa, et al. for Method for Detecting and Isolating Genes

1. [X] Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/308,164 as originally filed on May 14, 1999.
2. [] Cancel Claims _____. (At least one original independent claim must be retained for filing purposes.)
3. [X] A Preliminary Amendment is enclosed.
4. [X] The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

(Col. 1)		(Col. 2)	SMALL ENTITY		LARGE ENTITY		
For	No. Filed	No. Extra	Rate	Fee	or	Rate	Fee
Basic Fee	\$355.00			\$355.00	or		\$710.00
Total Claims	20-29=	9	x 9 =	\$ 81.00	or	x 18 =	
Indep. Claims	3-5 =	2	x 40 =	\$ 80.00	or	x 80 =	
Multiple Dependent Claim Presented			+ 130 =		or	+ 260 =	
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2			Total	\$516.00	or	Total	\$

5. [X] A check in the amount of \$516.00 to cover the filing fee is enclosed.
6. [] The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. _____.
7. [X] Amend the specification by inserting before the first line, the sentence:

--This is a continuation of application Serial No. 09/308,164,
filed May 14, 1999, which is a 371 of PCT/JP97/04126 filed November 12,
1997.--
8. [] New formal drawings are enclosed.
9. [X] The prior application is assigned of record to: Institute of Cytosignal Research, Inc.
10. [X] Priority of application Serial No. PCT/JP97/04126, filed on November 12, 1997 in Japan (country) is claimed under 35 U.S.C. § 119. A certified copy

[] is enclosed or [X] is on file in the prior application.



11. ☒ A verified statement claiming small entity status

☐ is enclosed or ☒ is on file in the prior application.

12. ☐ The power of attorney in the prior application is to at least one of the following:

13. ☒ The power appears in the original declaration of the prior application.

14. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

15. ☒ Please address all correspondence to SHANKS & HERBERT, TransPotomac Plaza, 1033 N. Fairfax St., Suite 306, Alexandria, VA 22314.

16. ☒ Recognize as associate attorney Suzannah K. Sundby

17. ☒ Also enclosed is Information Disclosure statement;

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 50-0622.

Respectfully submitted,

SHANKS & HERBERT

Suzannah K. Sundby
Suzannah K. Sundby
Reg. No. 43,172

Date: 3-26-01

TransPotomac Plaza
1033 N. Fairfax St., Suite 306
Alexandria, VA 22314
(703) 386-6134



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: NAGASAWA, et al.

Appl. No.: 09/816,124

Filed: March 26, 2001

For: Method for Detecting and Isolating Genes

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 4001-0001C

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Assistant Commissioner of Patents
Washington, D.C. 20231

Attention: Manager, Application Branch

Sir:

In response to the communication of June 1, 2001, Applicants submit the following:

1. Copy of the Notice to File Missing Parts of Nonprovisional Application;
2. Copy of the transmittal cover sheet filed on March 26, 2001, identifying this patent application (Serial No. 09/816,124) as a Continuation of Serial No. 09/308,164;
3. A copy of the Combined Declaration and Power of Attorney as filed in the parent application Serial No. 09/308,164 (a copy of which was also submitted on March 26, 2001);

Please associate the enclosed documents with the above-identified application.

The applicants also desire that the sequence listing in the continuation application be identical with that of the parent application (Serial No. 09/308,164) in accordance with 37 C.F.R. § 1.821(e) in lieu of submitting a new CRF.

Given that this was identified as a continuation patent application and the Declaration was already on file in the parent case, there should be no surcharge for late submission of a Declaration. However, if there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. **50-0622**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

SHANKS & HERBERT



Toni-Junell Herbert
Reg. No. 34,348

Date: 4/18/01

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/816,124	03/26/2001	Nagasawa	4001-0001C

CONFIRMATION NO. 8886

FORMALITIES LETTER



OC000000006137946

SHANKS & HERBERT
TransPotomac Plaza
Suite 306
1033 N. Fairfax Street
Alexandria, VA 22314

Date Mailed: 06/01/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

12/20/2001 YGIZAH 00000005 500622 09816124

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For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE